

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 09/19/23

SCOTT THOMAS ZANKL, ET AL.,
Plaintiffs,
- against -
SPIN CAPITAL, LLC,
Defendants.

23 Civ. 4060 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

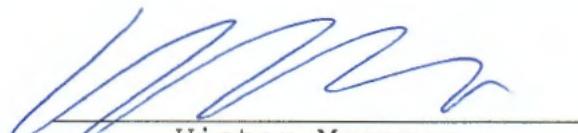
Pursuant to the Court's Individual Rules of Practice, on June 6, 2023, Spin Capital LLC and Avrumi Lubin (together the "Spin Capital Defendants") submitted a letter requesting a pre-motion conference and setting forth grounds for a proposed motion to dismiss the Complaint in this matter. (See Dkt. No. 20.) These grounds included the res judicata and/or collateral estoppel effect of an action then pending in state court. (See id.) On June 13, 2023, Plaintiffs submitted a letter opposing those grounds. (See Dkt. No. 25.) On June 15, 2023, the Spin Capital Defendants informed the Court that the informal exchange of letters was unable to resolve the dispute and requested a pre-motion conference. (See Dkt. No. 28.) On June 29, 2023, the Court stayed the proceeding pending the final adjudication of the state court action. (See Dkt. No. 32.) On September 19, 2023, the Spin Capital Defendants filed a letter attaching a judgment apparently entered in the state

court action and requested leave to file a motion to dismiss.
(See Dkt. No. 36.)

It appearing to the Court that the state court action has been resolved, the Court hereby **LIFTS** its previous stay. As the Court is not persuaded that a pre-motion conference is necessary to resolve the parties' dispute, the parties shall, within one week of the date of this Order, notify the Court whether they consent to the Court deeming the pre-motion letters as a fully briefed motion and ruling on the basis of the letters, or whether the parties request supplemental or full briefing on the Spin Capital Defendants' proposed motion. If the parties request supplemental or full briefing, they shall submit a proposed briefing schedule within one week of the date of this Order.

SO ORDERED.

Dated: 19 September 2023
New York, New York



Victor Marrero
U.S.D.J.